

JS 44 (Rev. 06/17)

CIVIL COVER SHEET

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of initiating the civil docket sheet. (SEE INSTRUCTIONS ON NEXT PAGE OF THIS FORM.)

I. (a) PLAINTIFFS

SHARON GRIGGS and HEZEKIAH GRIGGS, JR., as Co-Administrators
Ad Prosequendum of the Estate of HEZEKIAH GRIGGS III, and
Individually

(b) County of Residence of First Listed Plaintiff Essex, NJ

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorneys (Firm Name, Address, and Telephone Number)

MORELLI LAW FIRM PLLC
777 Third Avenue, 31st Floor
New York, New York 10017 (212) 751-9800

DEFENDANTS

SWIFT TRANSPORTATION CO., INC., SWIFT TRANSPORTATION
CO. OF ARIZONA, LLC, JOHN DOES (1-10) and ABC CORPS
(1-10)

County of Residence of First Listed Defendant Maricopa, AZ

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF
THE TRACT OF LAND INVOLVED.

Attorneys (If Known)

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff
- ☐ 2 U.S. Government Defendant
- ☐ 3 Federal Question (U.S. Government Not a Party)
- ☒ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | PTF | DEF | | PTF | DEF |
|---|---------------------------------------|----------------------------|---|----------------------------|---------------------------------------|
| Citizen of This State | <input checked="" type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input checked="" type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excludes Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input checked="" type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <input type="checkbox"/> 362 Personal Injury - Medical Malpractice	PERSONAL INJURY <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 367 Health Care/Pharmaceutical Personal Injury Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 690 Other LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Management Relations <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 751 Family and Medical Leave Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Employee Retirement Income Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 465 Other Immigration Actions	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 835 Patent - Abbreviated New Drug Application <input type="checkbox"/> 840 Trademark SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609	<input type="checkbox"/> 375 False Claims Act <input type="checkbox"/> 376 Qui Tam (31 USC 3729(a)) <input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 896 Arbitration <input type="checkbox"/> 899 Administrative Procedure Act/Review or Appeal of Agency Decision <input type="checkbox"/> 950 Constitutionality of State Statutes

V. ORIGIN (Place an "X" in One Box Only)

- ☐ 1 Original Proceeding
- ☐ 2 Removed from State Court
- ☐ 3 Remanded from Appellate Court
- ☐ 4 Reinstated or Reopened
- ☐ 5 Transferred from Another District (specify)
- ☐ 6 Multidistrict Litigation - Transfer
- ☒ 8 Multidistrict Litigation - Direct File

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing (Do not cite jurisdictional statutes unless diversity):

Court has original jurisdiction over this action under 28 U.S.C. § 1332

Brief description of cause:

This action arises out of a motor vehicle accident

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER RULE 23, F.R.Cv.P.

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☒ Yes ☐ No

VIII. RELATED CASE(S) IF ANY

(See instructions):

JUDGE

DOCKET NUMBER

DATE

12/21/17

SIGNATURE OF ATTORNEY OF RECORD

FOR OFFICE USE ONLY

RECEIPT #

AMOUNT

APPLYING IFP

JUDGE

MAG. JUDGE

**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

)	COMPLAINT
SHARON GRIGGS and HEZEKIAH)	
GRIGGS, JR., as Co-Administrators)	
Ad Prosequendum of the Estate of)	
HEZEKIAH GRIGGS III, and Individually)	Docket No.
)	
Plaintiffs,)	
v.)	PLAINTIFFS DEMAND A
)	TRIAL BY JURY
SWIFT TRANSPORTATION CO., INC.,)	
SWIFT TRANSPORTATION CO. OF)	
ARIZONA, LLC, JOHN DOES (1-10) and)	
ABC CORPS (1-10))	
Defendants.)	
)	

Plaintiffs Sharon Griggs and Hezekiah Griggs, Jr. as Co-Administrators Ad
Prosequendum of the Estate of Hezekiah Griggs, III, and individually, by their attorneys Morelli
Law Firm, PLLC and Markman & Cannan, LLC respectfully allege as follows:

NATURE OF THE CASE

1. This is a civil action for the personal injuries and wrongful death of 28 year-old Hezekiah Griggs, III against Swift Transportation Co., Inc. and Swift Transportation Co. of Arizona, LLC (collectively, “Swift” or “Defendants”). This action arises out of a motor vehicle accident that occurred on December 22, 2016 on Interstate 95 highway in Jacksonville, Florida, in which a Swift tractor-trailer, operated by Kenty Verdier in the course of his employment with Swift, collided with the rear of the stopped rental car that Mr. Griggs, III was operating. The Defendants’ negligence was a substantial contributing factor in causing Mr. Griggs, III’s injuries and death.

PARTIES

2. Plaintiff Sharon Griggs is an individual and citizen of the State of New Jersey, and resides in the city of East Orange, County of Essex County. Ms. Griggs is the mother of the late Mr. Griggs, III. Ms. Griggs was duly qualified and appointed as Co-Administrator Ad Prosequendum for the Estate of Hezekiah Griggs, III along with Mr. Griggs III's father, Hezekiah Griggs, Jr., by the Passaic County New Jersey Surrogate's Court. Ms. Griggs previously lived in Passaic County, NJ, and now resides in Essex County, NJ.

3. Plaintiff Hezekiah Griggs, Jr. is an individual and citizen of North Carolina, and resides in the city of Charlotte, county of Mecklenburg. Mr. Griggs, Jr. is the father of the late Mr. Griggs, III. Mr. Griggs, Jr. was duly qualified and appointed as Co-Administrator Ad Prosequendum for the Estate of Hezekiah Griggs, III along with Mr. Griggs III's mother, Sharon Griggs, by the Passaic County New Jersey Surrogate's Court.

4. Defendant Swift Transportation Co., Inc. is a corporation organized under the laws of the State of Arizona with its principal place of business located in Phoenix, Arizona. According to its own website, Swift is "unquestionably the largest full-truckload motor carrier in North America." Swift operates nearly 20,000 trucks, has over forty full-service facilities in both the United States and Mexico, maintains a presence in every Canadian province and generates over \$4 billion in revenue per year. Swift hauls freight for large companies such as Walmart, Fed Ex, Target, Rite Aid and Lowe's. The company is registered to do business in the state of New Jersey. Additionally, Swift maintains a facility in Middlesex County, NJ.

5. Defendant Swift Transportation Co. of Arizona, LLC is a limited liability company registered in Delaware with its principal place of business located in Phoenix, Arizona, and whose members are domiciled in Arizona. The company is registered to do business in the

State of New Jersey. Swift Transportation Co. of Arizona, LLC was the registered owner of the Swift truck that collided with Mr. Griggs, III's rental car.

6. Defendants John Does (1-10) and ABC Corps. (1-10) are fictitious names of individuals and companies who may have been involved in and/or responsible for the subject accident and Plaintiffs' injuries, but are as yet unknown or not necessarily yet germane to the allegations alleged in this complaint.

VENUE AND JURISDICTION

7. This Court has original jurisdiction over this action under 28 U.S.C. § 1332, in that the amount of controversy exceeds seventy five thousand dollars (\$75,000) and Plaintiffs are citizens of states which are different from the states where Defendants are incorporated and have their principal places of business.

8. Venue is proper in this district, because Mr. Griggs, III was a resident of Passaic, NJ, at the time of his accident and death. Mr. Griggs's mother, who is serving as Co-Administratrix of the estate, is also a resident of Passaic, NJ. Much of Mr. Griggs, III's family resides in New Jersey, including several of his siblings. The Order appointing Mr. Griggs, Jr. and Ms. Griggs as Administrators Ad Prosequendum were obtained in the Passaic County Surrogate's Court, and upon resolution of this case, the Passaic County Surrogate's Court will be charged with settling Mr. Griggs, III's estate. Mr. Griggs, III's work was based in New Jersey. In and around the time of his accident, Mr. Griggs, III was visiting Florida, and at the time of the accident, he was on his way to the airport to travel home to spend the Christmas holiday with his family in New Jersey.

FACTUAL ALLEGATIONS

9. Hezekiah Griggs, III was an impressive and innovative young man, who at just 28 years-old was an accomplished entrepreneur, author, media mogul, humanitarian and motivational speaker.

10. Mr. Griggs, III graduated from Passaic High School, where he served as president of the student senate.

11. While in High School, Mr. Griggs, III launched his first media outlet, a magazine titled TRUE, which stood for “Teens Reaching for a Unified Era,” and was targeted at youth in the Tri-State area.

12. Mr. Griggs, III attended Rutgers University, and left to start his own media group, HG3 Media.

13. Mr. Griggs, III authored books, including science fiction books.

14. Mr. Griggs, III ran summer camps where he would guide young African Americans on the path to college.

15. At age 23, Mr. Griggs, III was selected to visit the White House as part of a Young Business Entrepreneurs initiative.

16. In 2016, Mr. Griggs was Managing Partner and CEO of H360 Capital.

17. Mr. Griggs, III received awards from many organizations across the country, including the “Legend in the Making” award at the 55th Anniversary of the Montgomery Bus Boycott, and awards from Optimists International, AME Churches and the NAACP.

18. At the time of his accident, Mr. Griggs, III was visiting Jacksonville, FL to investigate opening a non-denominational church in the area.

The Accident

19. On December 22, 2016, Mr. Griggs, III was in a rental car heading from Jacksonville, FL to Orlando, FL to fly back home to New Jersey to spend the holidays with his family.

20. While traveling Southbound on Interstate 95 on the way to the Orlando Airport, Mr. Griggs, III's vehicle was caused to be stopped in the designated area separating the right lane of the highway and the exit lane at the Old Saint Augustine Road exit. Mr. Griggs, III activated the emergency hazard lights on his vehicle.

21. On December 22, 2016 Kenty Verdier was employed by Swift and was operating a Swift tractor-trailer Southbound on I-95 in Jacksonville, FL.

22. At approximately 12:34AM, Mr. Verdier was operating the tractor-trailer in the exit lane of Interstate 95 Southbound at an accelerated rate of speed.

23. Just before he reached the exit, Mr. Verdier realized that he was mistakenly in the exit lane, rather than the right lane of the highway, and swerved the Swift tractor-trailer left to remain on the highway.

24. When Mr. Verdier made this maneuver, he failed to see Mr. Griggs, III's vehicle, with its hazard lights on, right in front of him in the area between the right lane and the exit at Old Saint Augustine Road.

25. Mr. Verdier failed to slow down, and his Swift tractor-trailer collided with the rear of Mr. Griggs, III's rental car at an accelerated rate of speed.

26. As a result of this collision, Mr. Griggs was caused to suffer severe and devastating personal injuries including, but not limited to blunt trauma to his head and neck.

27. Eventually, Mr. Griggs, III succumbed to his injuries and passed away.

28. Mr. Griggs, III's death was felt deeply in the City of Passaic. In fact, earlier this year the City of Passaic named a basketball court in Benson Park after Mr. Griggs, III in his honor.

FIRST COUNT
NEGLIGENCE

29. Plaintiffs incorporate by reference all preceding paragraphs of this Complaint as if fully set forth herein.

30. On or about December 22, 2016, Mr. Griggs, III was operating a rental car on Interstate 95 highway in Jacksonville, FL.

31. On or about December 22, 2016, Mr. Griggs, III was stopped in the designated area between the right lane of Interstate 95 and the exit lane at Old Saint Augustine Road, with the vehicle's emergency hazard lights on.

32. On or about December 22, 2016, Kenty Verdier was operating a Swift tractor-trailer, in the course of his employment by Swift, on Interstate 95 in Jacksonville, FL.

33. On or about December 22, 2016, Mr. Verdier was operating the Swift tractor-trailer in the exit lane of Interstate 95 Southbound near Old Saint Augustine Road at an accelerated rate of speed, when just before the exit, he swerved left to change into the outermost lane of Interstate 95.

34. When Mr. Verdier performed the above-referenced maneuver, he failed to see Mr. Griggs, III's rental car, which was stopped with its hazard lights on, and accordingly caused the Swift tractor-trailer to collide with the rear of Mr. Griggs, III's rental car.

35. Swift was careless and negligent in the ownership and operation of its tractor-trailer, which resulted in the aforementioned collision.

36. As a direct and proximate result of said collision, Mr. Griggs, III was caused to suffer severe and devastating personal injuries, and his ultimate death.

SECOND COUNT
WRONGFUL DEATH

37. Plaintiff incorporates by reference all preceding paragraphs of this Complaint as if fully set forth herein.

38. Mr. Griggs, III is survived by his parents, Hezekiah Griggs, Jr. and Sharon Griggs.

39. As a result of Mr. Griggs, III's death, his parents have suffered and will continue to suffer significant damages including, but not limited to loss of financial support, loss of companionship, comfort, love and guidance and lost household services and expenses related to Mr. Griggs, III's death.

40. Plaintiffs Hezekiah Griggs, Jr. and Sharon Griggs bring this action as both Co-Administrators Ad Prosequendum and personally, and claim all recoverable wrongful death benefits and damages on behalf of themselves and all other persons entitled to recover under the law.

THIRD COUNT
SURVIVAL

41. Plaintiff incorporates by reference all preceding paragraphs of this Complaint as if fully set forth herein.

42. Plaintiffs Hezekiah Griggs, Jr. and Sharon Griggs, as both Co-Administrators Ad Prosequendum and personally claim on behalf of the Estate of Hezekiah Griggs, III all damages suffered by the Estate by reason of the death of Hezekiah Griggs, III, including but not limited to the following: the severe injuries Hezekiah Griggs, III sustained during his death; the anxiety,

emotional distress, fear of death, pain, suffering and other intangible losses which Mr. Griggs, III suffered prior to his death; the loss of future earning capacity suffered by Mr. Griggs, III from the date of his incapacitating injuries until the time in the future that he would have lived had he not died as a result of his injuries; and the total limitation and deprivation of his normal activities, pursuits and pleasures as a result of the injuries sustained by reason of the negligence, carelessness and recklessness of defendants.

43. Plaintiffs Sharon Griggs and Hezekiah Griggs, Jr. bring this action on behalf of the Estate of Hezekiah Griggs, III, deceased, and claim all survival benefits and damages on behalf of the Estate, themselves and any other persons entitled to recover under the law.

DEMAND FOR A JURY TRIAL


Plaintiffs hereby demand a jury trial as to all issues so triable as a matter of right, pursuant to F.R.C.P. 38(b)(1) and 38(c).

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs demand upon Defendants:

- a. actual, compensatory and statutory damages;
- b. punitive damages as allowed by law;
- c. pre and post-judgment interest as allowed by law;
- d. injunctive relief;
- e. an award of attorneys' fees as allowed by law;
- f. an award of taxable costs; and
- g. any and all such further relief as this Court deems just and proper.

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Date: December 21, 2017